

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Blue Spike, LLC,

Plaintiff,

v.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

Plaintiff,

v.

Iris ID Systems, Inc.,

Defendant.

CASE NO. 6:13-cv-088 MHS

CONSOLIDATED CASE

Jury Trial Demanded

**PLAINTIFF BLUE SPIKE’S REPLY IN RESPONSE TO
IRIS ID’S COUNTERCLAIMS**

Plaintiff Blue Spike, LLC (“Blue Spike”) files this Reply to the Counterclaims of Defendant Iris ID Systems, Inc. (“Iris ID” or “Defendant”) (Case No. 6:12-cv-499, Dkt. No. 660) as follows. All allegations not expressly admitted or responded to by Blue Spike are denied.

PARTIES

1. Blue Spike admits the allegations of Paragraph 1, upon information and belief.
2. Blue Spike admits the allegations of Paragraph 2.

JURISDICTION AND VENUE

3. Blue Spike admits the allegations of Paragraph 3.
4. Blue Spike admits the allegations of Paragraph 4.

5. Blue Spike admits that venue is proper in this District, but denies that venue would be proper in the U.S. District Court of New Jersey.

GENERAL ALLEGATIONS

6. Blue Spike admits the allegations of Paragraph 6.
7. Blue Spike admits the allegations of Paragraph 7.

FIRST COUNTERCLAIM (NON-INFRINGEMENT OF THE PATENTS-IN-SUIT)

8. Blue Spike repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 7 above.
9. Blue Spike denies the allegations of Paragraph 9.

SECOND COUNTERCLAIM (INVALIDITY OF THE PATENTS-IN-SUIT)

10. Blue Spike repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 9 above.
11. Blue Spike denies the allegations of Paragraph 11.
12. Blue Spike denies the allegations of Paragraph 12.

PRAYER FOR RELIEF

13. Blue Spike denies that Defendant is entitled to any of the relief it requests.

PLAINTIFF'S PRAYER FOR RELIEF

In addition to the relief requested in its Original Complaint, Blue Spike respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;

(b) That the Court award Blue Spike its costs and attorneys' fees incurred in defending against these Counterclaims; and

(c) Any and all further relief for Blue Spike as the Court may deem just and proper.

/s/ Randall T. Garteiser

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CERTIFICATE OF SERVICE

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser

Randall T. Garteiser